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 SHANE C. ALBERS

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

SHANE C. ALBERS,

Petitioner,

vs.

PMP ACCESS FUND MANAGER, LLC, a
 Delaware limited liability company,

Respondent.

Case No. 5:10-CV-1054-JF

~~[PROPOSED]~~ ORDER GRANTING
 ADMINISTRATIVE MOTION TO
 FILE UNDER SEAL (CIVIL L.R. 79-5)

Date: _____, 2010

Time: _____

Ctrm: _____

Shane C. Albers ("Albers") has submitted an Administrative Motion to File Documents Under Seal in this matter. Good cause appearing, the Court hereby GRANTS the Motion and ORDERS that the following documents submitted by Albers in support of his Petition to Vacate Contractual Arbitration Award be filed under seal:

1. Confidential (i.e., unredacted) version of Albers' Memorandum of Points and Authorities in Support of Petition to Vacate Contractual Arbitration Award.
2. Confidential arbitration and related documents, attached as **Exhibits A through L, O, and P** to the Declaration of Mark J. Seifert in Support of Albers' Petition to Vacate Contractual Arbitration Award.

1 The Court finds that compelling reasons exist for filing under seal. There is an overriding
2 interest in sealing the documents at issue because many of them contain extensive discussion of
3 Albers' personal financial information, as well as financial information concerning his business.

4 In addition, the parties agreed that their dealings under the purported agreement between
5 Albers and Access Fund as well as the arbitration proceedings would be kept confidential. Indeed,
6 one of the primary benefits of arbitration is the fact that the proceedings may be kept confidential.
7 In a proceeding to confirm or vacate an arbitration award such as the present proceeding, there is a
8 heightened interest in maintaining confidentiality, which in turn further facilitates the use of
9 arbitration.

10 Thus, the overriding interest in protecting Albers' personal and business financial
11 information supports sealing the confidential documents at issue. In fact, a substantial probability
12 exists that this overriding interest will be prejudiced if the records are not sealed because this
13 information would then become public, thus revealing substantial information about Albers'
14 personal finances as well as the finances of his company. This would cause irreparable harm to
15 Albers and his company.

16 Similarly, the City National Bank arbitration demand and the various letters among the
17 parties (and non-parties) contain confidential financial information and will be sealed.

18 The proposed sealing is also narrowly tailored and no less restrictive means exist to
19 achieve the overriding interest because Albers seeks to seal only those documents (or portions of
20 documents) that Albers knows or believes contain confidential business or personal financial
21 information or personally identifying information.

22 IT IS SO ORDERED.

23
24 Dated: 3/22/10


25 Hon.
26 Judge of the United States District Court
27
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